

OFFICIAL COPY

Fresno, California

August 24, 1999

The City Council met in regular session at the hour of 9:04 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Bob Engel, World Impact, gave the invocation.

Councilmember Bredefeld led the Pledge of Allegiance to the Flag.

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RESOLUTION OF COMMENDATION TO THE CENTER FOR INDEPENDENT LIVING - ACTING PRESIDENT MATHYS

Read and presented.

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APPROVE MINUTES:

City Clerk Klisch advised of corrections as follows: (1) on Page 134-63, **10:30 A.M.** item, 1st paragraph, indicating Councilmember Bredefeld briefly *left* the meeting at 2:30 p.m., and in the 2nd paragraph, showing Councilmember Bredefeld *returning* to the meeting at 2:49 p.m.; and (2) on Page 134-72, Item **5N**, correcting the vote to show Councilmembers Bredefeld, Mathys and Perea *absent* instead of voting “aye”.

Relative to the motion/vote on the Fresno Falcons on Page 134-61 (**10:00 A.M.** item), Councilmember Perea clarified a three-year agreement was approved with performance criteria to be evaluated at the end of the first year. Brief discussion ensued.

President Steitz directed staff to set clarification on the term of the agreement on the August 31st agenda, and Councilmember Perea directed identification of performance criteria also be scheduled at that time.

On motion of President Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of August 17, 1999, approved, *as amended*.

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APPROVE AGENDA:

DIRECT STAFF TO SET ON THE AUGUST 31ST AGENDA: WORKFORCE INVESTMENT ACT AND OPTIONS - COUNCILMEMBER PEREA

Set for August 31st at 3:00 p.m.

DIRECT STAFF TO SET ON THE AUGUST 31ST AGENDA FOR ACTION: REQUEST FOR STAFF REPORT AND CLARIFICATION ON POLICY RELATIVE TO ROLLING OVER REMAINING COUNCIL GENERAL FUND INFRASTRUCTURE BUDGET FUNDS FROM ONE FISCAL YEAR TO THE NEXT - COUNCILMEMBER BOYAJIAN

Set for August 31st.

(5K) REPORT BY TREE FRESNO AND PARKS, RECREATION AND COMMUNITY SERVICES REGARDING REPLACEMENT PLANTS AND GROUND COVER ON MEDIAN ISLANDS LOCATED ON VENTURA AVENUE AND KINGS CANYON BOULEVARD - COUNCILMEMBER QUINTERO

Removed from the agenda by Councilmember Quintero.

(3A) RATIFICATION OF RESPONSES TO THE 1998-99 GRAND JURY REPORT

Upon question of Councilmember Quintero, City Attorney Montoy advised September 30, 1999, was the deadline to respond, and confirmed part of the report did deal with the downtown stadium. Councilmember Quintero stated since a report from ACA was expected by the end of the month, he preferred delaying the ratification of responses until the report was received, and made a motion to remove the item from the agenda at this time.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, **Item 3A** Ratifying Responses to the 1998-99 Grand Jury Report removed from the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	None

Discussed again later.

DIRECT STAFF TO SET ON THE SEPTEMBER 21ST AGENDA: REPORT ON THE FRESNO ECONOMIC RECOVERY PROJECT - COUNCILMEMBER BREDEFELD

Set for September 21, 1999, at 11:00 a.m.

COUNCILMEMBER RONQUILLO

Councilmember Ronquillo offered the challenge in the spirit of promoting the Fresno Fair and the race adding the winner would donate winnings to the non-profit organization of their choice.

(3A) RATIFICATION OF RESPONSES TO THE 1998-99 GRAND JURY REPORT (FROM EARLIER)

Acting President Mathys expressed concern with the action just taken to delay ratification of the responses citing the time the Grand Jury spent in preparing the report; noted the report clearly pointed out certain concerns in the way the City spent tax dollars; stated the City had a tendency of delaying issues time and time again and the public had the right to the information, and directed staff to schedule the issue again in one week. Discussed again later.

COUNCIL INFRASTRUCTURE BUDGETS - ACTING PRESIDENT MATHYS

Acting President Mathys stated his support for rolling over remaining infrastructure funds to the following years budget.

REQUEST FOR STATUS REPORT ON THE DOWNTOWN STADIUM IN ONE WEEK - PRESIDENT STEITZ

Direction made.

GRAND JURY REPORT - COUNCILMEMBER BREDEFELD (FROM EARLIER)

Brief discussion ensued on allowing comments since the issue had been removed from the agenda. Responding to earlier comments, Councilmember Bredefeld emphasized Council was not hiding anything and clarified the grand jury's report was a public document and was on the City's web site. Acting President Mathys stated he had a great trust in the Grand Jury and to delay the ratification was saying all their work and research carried no water, whereupon City Attorney Montoy ruled the discussion out of order.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-2) AUTHORIZE THE CITY MANAGER TO EXECUTE EMERGENCY SHELTER GRANT AGREEMENTS WITH HOMELESS SHELTER PROVIDERS ON BEHALF OF THE CITY

PREVENTION OF CRUELTY TO ANIMALS (SPCA) FOR CONTRACTUAL ANIMAL CONTROL AND SHELTER SERVICES

(1A-4) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO ECI IN THE ESTIMATED AMOUNT OF \$67,643.00 FOR REPAIR AND PAINTING OF METAL REFUSE BINS

(1A-5) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO U.S. FILTER COMPANY IN THE ESTIMATED AMOUNT OF \$40,060.03 FOR WATER METER BOXES, VAULTS, LIDS AND COVERS

(1A-6) DETERMINING THAT CHEMICAL SERVICES COMPANY IS NON-RESPONSIVE TO THE SPECIFICATIONS IN SECTION II, AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT FOR METERING PUMPS WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CHEMICAL SERVICES COMPANY FOR SECTIONS I AND II I THE ESTIMATED AMOUNT OF \$46,979.56, AND TO HOPKINS TECHNICAL PRODUCTS FOR SECTION II IN THE ESTIMATED AMOUNT OF \$9,226.55

(1A-7) RESOLUTION NO. 99-247 - AUTHORIZING THE CHIEF OF POLICE TO ACCEPT TITLES TO VEHICLES PROVIDED TO THE FRESNO H.E.A.T. TEAM BY VARIOUS INSURANCE COMPANIES AND NATIONAL INSURANCE CRIME BUREAU, ENTER INTO AND SIGN CERTAIN AGREEMENTS, AND RELINQUISH TITLE BACK TO THE INSURANCE COMPANIES WHEN THE AGREEMENTS EXPIRE

(1A-8) *RESOLUTION NO. 99-248 - 10TH AMENDMENT TO AAR 99-181 APPROPRIATING \$208,100 FOR THE ACQUISITION OF STREET RIGHT-OF-WAY FOR TRACT NOS. 4830, 4514 AND 4431 (ADJUSTING REVENUES AND APPROPRIATIONS IN THE VARIOUS FUNDS TO PROVIDE FOR THE COMPLETION OF UGM CAPITAL IMPROVEMENTS THAT HAVE BEEN PREVIOUSLY APPROVED)

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(1A-1) RESOLUTION NO. 99-246 - INTENT TO ANNEX TRACT NO. 4852 TO COMMUNITY FACILITIES DISTRICT NO.2, ANNEXATION NO. 13, AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING FOR SEPTEMBER 28, 1999, AT 10:00 A.M.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 99-246 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

(1B-1) *BILL NO. B-56 - TEXT AMENDMENT NO. TA-99-01 - VARIETY PAK #1: AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS RELATING TO A VARIETY OF SUBJECTS SUCH AS THE ZONING OF ANNEXED LANDS AND THE USES AND PROPERTY DEVELOPMENT STANDARDS OF THE OPEN SPACE, AGRICULTURAL AND RESIDENTIAL ZONE DISTRICTS

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-56 introduced before the Council and laid over to August 31st at 10:00 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(3B) CONSIDER REQUEST FROM THE CITY OF ORANGE COVE REGARDING THE RELOCATION OF LA TAPATIA FROM THE CITY OF FRESNO AND INDUSTRIAL DEVELOPMENT BOND FINANCING

Councilmember Ronquillo made a motion to approve the request. City Manager Reid explained the reason for the request, and referencing the letter from Orange Cove City Administrator Gonzalez, clarified Producers Dairy had not made a commitment to acquire La Tapatia's property.

Councilmember Ronquillo stated his support and his motion was seconded by Councilmember Boyajian. Councilmember Perea stated he would oppose the motion as the relocation was not acceptable and he felt as a community the City should have done more to keep La Tapatia here.

Mr. Reid and Economic Development Coordinator Webster responded to Council questions relative to owners of La Tapatia property, hazardous or health and safety conditions or required clean-up by the City, what Orange Cove offered that the City did not or could not, if the City was able to compete, what the City offered, and how long La Tapatia had been here and how many people they employed. Mr. Webster emphasized every effort was made to keep La Tapatia here, and Mr. Reid stated there was still the possibility La Tapatia could relocate in another location.

Councilmember Ronquillo stated pluses and minuses needed to be weighed, and stressed the City needed to think more in terms of regional and attract companies that would offer at least \$8/hour base pay. President Steitz stated he would support the request as no other city could offer what Orange Cove could. Councilmember Bredefeld stressed there must have been something the City could have done to compete citing the incentives provided for the Gap, and stated he could not support the relocation.

Mr. Reid clarified the relocation to Orange Cove was not a done deal; advised staff had talked with La Tapatia about locating in the City's enterprise zone; and requested Council not begrudge La Tapatia this opportunity. Acting President Mathys emphasized the City needed to keep La Tapatia here stating it could not afford to lose another employer and recommended Congress get involved.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the request from the City of Orange Cove for a City of Fresno Release Letter for La Tapatia Tortilleria hereby

approved, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Mathys, Perea
Absent	:	None

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Councilmember Perea briefly left the meeting at 9:48 a.m.

(5A) APPROVE APPOINTMENT OF LINDA O'NEAL TO THE COMMISSION ON THE STATUS OF WOMEN - COUNCILMEMBER BREDEFELD

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appointment of Linda O'Neal to the Commission on the Status of Women hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea. Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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(5B) APPROVE APPOINTMENT OF JOSE ARECHIGA TO THE FRESNO WORKFORCE DEVELOPMENT BOARD - COUNCILMEMBER BOYAJIAN

Councilmember Perea returned to the meeting at 9:49 a.m.

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appointment of Jose Arechiga to the Workforce Development Board hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea. Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5C) APPROVE APPOINTMENT OF LULA FAIRLEY TO THE COMMISSION ON THE STATUS OF WOMEN - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the appointment of Lula Fairley to the Commission on the Status of Women hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea. Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5D) PROPOSED APPOINTMENT OF ARDELL BARNES TO THE SAN JOAQUIN RIVER CONSERVANCY

BOARD - COUNCILMEMBER PEREA

A motion and second to introduce the appointment was made. President Steitz stated he would vote in opposition as a written application had not been received emphasizing one was supposed to be submitted. Councilmember Perea stated he thought the information had been submitted and agreed to tabling the issue one week.

On motion of President Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the introduction of the proposed appointment of Ardell Barnes to the San Joaquin River Conservancy Board tabled one week, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5E) APPROVE APPOINTMENT OF HANNO POWELL TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION (HCDC) - MAYOR PATTERSON

(2 - 0) On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the appointment of Hanno Powell to the HCDC hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5F) *RESOLUTION NO. 99-249 - 4TH AMENDMENT TO AAR 99-181 APPROPRIATING \$2,800 OF DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO PAY FOR THE RENTAL OF THE EXHIBIT HALL FOR THE EMPTY BOWLS ORGANIZATION TO HOLD THEIR ANNUAL FUND RAISER

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 99-249 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5G) DISCUSS REQUIREMENTS CONTRACT FOR CONCRETE REPAIR - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated he was interested in pursuing a requirements contract for costs savings and to get work done in a more timely manner, and requested clarification and direction.

repair program was originally placed in the budget but those funds were moved back to Council infrastructure budgets at Council direction, and stated the concrete repair program would have to be reinstated and explained.

President Steitz noted not all Councilmembers wanted to go this route and brief discussion ensued on timeline for getting a requirements contract out and the high cost for the needed repairs. City Manager Reid clarified the issue and recommended Council not move forward with a requirements contract at this time and explained. Councilmember Boyajian advised of problems he had encountered with projects in his district ready to go for some time yet the work does not get started, with Mr. Reid requesting he be informed of issues and given a list of projects that are ready to go. Brief discussion ensued.

President Steitz requested he and the City Manager be given a list of projects ready to go and they would look into the situation. Councilmember Ronquillo stated he was willing to commit \$30,000 for the concrete repair program and recommended an informal contract.

William Siefert, Field Representative, Construction Industry, requested Council place projects out to competitive bid stating a lot more work would get done. Mr. Reid stated all work would be done by the private sector and there was no further discussion.

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(10:00 A.M.) SELECT A HIGHWAY 99 THEME FOR THE CITY OF FRESNO - COUNCILMEMBER RONQUILLO

Briefly reviewed by Councilmember Ronquillo who stated the Freeway 99 Beautification Committee was looking for something that would distinguish Fresno and advised Fresno County would designate their own theme.

Acting President Mathys suggested “Fresno, the Heart of Agriculture” and made a motion to so designate that theme, which was seconded by President Steitz for discussion purposes. Stating several cities would be using agriculture in their theme, Councilmember Quintero recommended “Welcome to Fresno – Where the Crossroads of the World Meet” and spoke in opposition to the motion.

Brief discussion ensued on obtaining a list of all recommendations for Council to review and eliminate some, compliance with the Brown Act, and forming a Council committee to review suggestions. Councilmember Bredefeld stated his suggestion would be “Fresno–The Region that Feeds the World”, and clarified suggestions should be narrowed down with two or three brought back for a decision. By Council consensus, Councilmembers Bredefeld and Ronquillo and President Steitz were designated to serve on a committee to review suggestions and return with a recommendation.

Speaking to the issue were: David Wells, P.O. Box 1523, who stated he was interested in serving on the committee and spoke in support of Councilmember Quintero’s suggestion; and Dan Zack, Council of Governments, who advised the City of Selma and Fresno County were already focusing on an agricultural theme.

Councilmember Ronquillo requested Council think in terms of future commerce and direction of future industry adding the committee’s report was needed as soon as possible. There was no further discussion.

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(10:15 A.M.) DIRECT THE CITY MANAGER OR HIS DESIGNEE TO CONVERT BUS ROUTE 38 TO A 20-MINUTE SERVICE FREQUENCY ON WEEKDAYS AND SATURDAYS - ACTING PRESIDENT MATHYS

Acting President Mathys briefly reviewed the issue and stated after talking with Mrs. Torres he placed the matter on the agenda on behalf of Mrs. Torres and people who solely rely on buses.

Speaking in support of the issue were: Mrs. Torres, who reviewed the background, stated it was her understanding the 20-minute service had been approved during budget to be implemented July 1st, and emphasized it was very important to her and many other people who rely on transit service; and David Wells, P.O. Box 1523, who added this was a problem city-wide.

City Manager Reid and Transit General Manager Rudd clarified issues relative to Route 38, and explained and elaborated on future strategies and improvements.

(3 - 0) Extensive discussion ensued with Mr. Rudd and Mr. Reid responding to questions. Councilmember Boyajian questioned what the issue was with President Steitz clarifying Route 38 was now considered a high peak route and was now running on a 15-minute frequency with school back in session, and to change the frequency to 20-minutes as requested would cost approximately \$800,000.

Acting President Mathys expressed his concern stating the City was able to find dollars to update computers and hire additional staff yet there was no money for much needed public transportation for its citizens, and made a motion to direct the City Manager to convert Route 38 as outlined above, which was seconded and acted upon after additional discussion.

Discussion ensued. Councilmember Perea stated he did not know if changing the frequency time was the way to resolve the issue stating additional analysis and recommendations were needed by staff. Mr. Rudd reiterated staff was already working on an analysis to improve frequencies system-wide and to determine funding sources to implement those improvements.

Councilmember Boyajian offered an amendment to the motion to include high usage Routes 26 and 28 along with 38, which motion was ruled out of order by President Steitz due to how the issue was agendized.

Upon question, Mr. Rudd stated staff's report would be brought back to Council in April or May. Mrs. Torres responded to questions of Councilmember Bredefeld on the benefits of changing the service frequency, with Councilmember Bredefeld stating he would support the motion as staff was moving in that direction anyway. Mr. Reid noted the motion was to make changes on a piecemeal basis and was not effective, and requested staff be given the opportunity to attain their goals city-wide.

Mrs. Torres and Mr. Rudd responded briefly to questions of Councilmembers Ronquillo and Quintero relative to FAX's budget, what percentage came from the federal and state government, and what time Mrs. Torres caught the bus. Councilmember Quintero agreed additional information was needed and stated he could not support the motion at this time citing the increased ridership and frequency already on Route 38 with the start of school.

A motion of Acting President Mathys, seconded by Councilmember Ronquillo, to direct the City Manager or his designee to convert Bus Route 38 to a 20-minute service frequency on weekdays and Saturdays failed, by the following vote:

Ayes : Bredefeld, Mathys, Ronquillo
 Noes : Boyajian, Perea, Quintero, Steitz
 Absent : None

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RECESS - 11:06 A.M. - 11:11 A.M.

(10:45 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-93-17, FILED BY SPALDING WATHEN, FOR 16 ACRES OF A 24-ACRE SITE RELATED TO VESTING TENTATIVE TRACT NO. 4582, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. POLK AND N. SANTA FE AVENUES
1. BILL NO. B-57 - ORDINANCE NO. 99-57 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/EA/UGM TO R-1/EZ/UGM, CONDITIONED UPON SIDEWALKS BEING BUILT ON BOTH SIDES OF THE STREETS

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Planner Beach distributed three exhibits relative to sidewalk patterns that could be applied to the subject subdivision; advised of issues raised at the Planning Commission relative to circulation and sidewalks; explained the current sidewalk policy required sidewalks on both sides of streets for more than 4 units per acre and advised the subject subdivision had less than 4 units therefore sidewalks were required on only one side; and recommended approval of the rezoning with sidewalks on one side of the street as proposed by the developer and approved by the Planning Commission.

Speaking to the issue and expressing concerns were: Ed Eames, Chair, Fresno ADA Council, support for sidewalks on both sides of the streets; Lena Bowen, 7173 N. Gilroy, opposed to proposed access and number of homes and lot sizes; William Milton Sr., 1307 N. Calaveras, support for sidewalks on both sides; and Jim Ireland, 4520 E. Sierra Madre, Chair, ADA Advisory Council, support for sidewalks on both sides.

(4 - 0) Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Acting President Mathys acknowledged and commended the Wathen Family for their commitment to Fresno; stated there was nothing more secure than sidewalks emphasizing they needed to be provided on both sides of streets; stated the direction should have been clear in the beginning from staff that sidewalks on one side of the street would *not* be allowed; and stated he could not support the design as presented for sidewalks on one side. Councilmember Perea stated the issue of sidewalks on both sides needed to be brought back for clarification, if needed, and stated unless the developer was willing to accept sidewalks on both sides he would not support the project.

Spalding Wathen, Developer/Applicant, displayed a map of the subdivision, advised of his reasons for proposing sidewalks on one side, and along with Mr. Beach responded to questions of Councilmember Ronquillo relative to street widths. Councilmember Ronquillo stated monolithic sidewalks were the answer and explained.

Development Director Solis responded to questions of Councilmember Bredefeld relative to the plan amendment on sidewalk policy brought forth last year for the Woodward Park area, and on how the process could be changed city-wide to eliminate the density factor and require sidewalks on both sides. Councilmember Bredefeld directed staff to schedule the issue of a uniform city-wide sidewalk policy during the General Plan update process next January.

Councilmember Bredefeld made a motion to approve the rezoning conditioned upon sidewalks be installed on both sides of the streets, which was seconded and acted upon after additional discussion. Upon question of City Manager Reid, Councilmember Bredefeld directed staff to set the issue of removing the density requirements, which was overlooked last year, on the August 31st agenda. Councilmember Perea withdrew his earlier request to schedule clarification on the issue.

Councilmember Boyajian stated this was a safety issue and spoke in support of sidewalks on both sides. President Steitz disagreed emphasizing there were no statistics on accidents caused due to sidewalks on one side only, and questioned why the sidewalk issue was before Council since the Planning Commission had already approved the map, with Mr. Beach stating only the rezoning was before Council and not the subdivision. Upon further question, City Attorney Montoy advised Council had the authority to take legislative action to approve and/or deny with conditions.

President Steitz stated Mr. Wathen followed all the rules, noted the Planning Commission, the Bullard Implementation Committee and Central Unified had expressed no concerns, emphasized this was vacant land, and expressed his concern stating Council was trying to mandate because they knew what homeowners wanted. **(5 - 0)**

Councilmember Quintero directed staff to provide a copy of the Planning Commission's agenda to the ADA Advisory Council so they could review projects as they went through the process. Councilmembers Mathys and Perea briefly left the meeting at 12:22 p.m. Upon question of Councilmember Quintero, Mr. Beach stated the developer was in compliance with all requirements. Councilmember Quintero stated Council should blame themselves and not staff for the request being approved.

On motion of Councilmember Quintero, seconded by President Steitz, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld
Absent	:	Mathys, Perea

Councilmembers Mathys and Perea returned to the meeting at 12:23 p.m.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, certification hereby made that prior to taking action on the proposed rezoning, Council considered the mitigated negative declaration issued on 7/14/99, and adopted by the Planning Commission on 8/4/99, for Environmental Assessment No. R-4582, R-93-17; and the above entitled Bill No. B-57 approving R-93-17 to become effective upon the recordation of a final map or maps of Vesting Tentative Tract No. 4514/UGM for any portion of the property encompassed by said tentative tract map for which a final map is recorded hereby adopted as Ordinance No. 99-57, ***conditioned upon sidewalks being built on both sides of the streets***, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea
 Noes : Quintero, Ronquillo, Steitz
 Absent : None

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SUSPENSION OF LUNCH HOUR RULE TO CONTINUE WITH THE AGENDA

Councilmember Perea made a motion to suspend the rule to hear the 11:15 a.m. item before breaking for lunch. Dirk Poeschel noted there was no opposition to his 11:00 a.m. item and requested it also be heard. Brief discussion ensued.

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the lunch hour rule hereby suspended to continue with the agenda, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
 Noes : Perea
 Absent : None

(11:00 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-15, REZONING APPLICATION NO. R-99-24, AND MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-99-15, R-99-24, FILED BY DIRK POESCHEL, REPRESENTING CALCOT, LTD. AND VENDO COMPANY, PROPERTY LOCATED NORTHWEST OF THE N. INGRAM AVENUE AND NEW W. ALLUVIAL AVENUE ALIGNMENT INTERSECTION

1. RESOLUTION NO. 99-250 - AMENDING THE BULLARD COMMUNITY PLAN

2. BILL NO. B-58 - ORDINANCE NO. 9-54 - AMEND THE OFFICIAL ZONE MAP FOR TWO PROPERTY AREAS: LAND AREA "A", 2+ ACRES FROM AE-20/UGM TO C-M; AND LAND AREA "B", 5.43 ACRES FROM M-3 TO C-M; AND ELIMINATE THE "CZ" OVERLAY ZONE DISTRICT ESTABLISHED BY R-95-10 FOR THE ENTIRE TRACT MAP NO. 4637

President Steitz left at 12:25 p.m. and returned after the lunch recess. Acting President Mathys announced the time had arrived to consider the issue and opened the hearing. A motion and second to approve staff's recommendation was acted upon after brief discussion.

Dirk Poeschel, Dirk Poeschel Land Development Services for Calcot, Ltd., and the Vendo Company, and Planner Beach responded to Council questions relative to the frontage road cul-de-sac, the environmental checklist ratings, type of project, and payment of school fees.

Dennis Gaab, representing Northpointe owners, requested setback issues be dealt with, with Mr. Poeschel confirming the setback issue had been resolved.

Upon call, no one else wished to be heard and Acting President Mathys closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-15, R-99-24 hereby approved; the above entitled Resolution No. 99-250 approving P.A. No. A-99-15 proposing to amend Land

134-84

8/24/99

Area “A” adopted; and the above entitled Bill No., B-58 approving R-99-24 to rezone Land Area “A” , contingent upon approval of UGM Boundary Amendment No. 14; and, rezoning Land Area “B” adopted as Ordinance No. 99-54, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

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(11:15 A.M.) RESOLUTION NO. 99-251 - IN SUPPORT OF ALEJANDRA MENDOZA’S RESIDENCY IN THE UNITED STATES

A motion and second to adopt the resolution was made.

Barbara Hunt, 944 “F” Street, spoke in opposition.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 99-251 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

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LUNCH RECESS - 12:35 P.M. - 2:07 P.M.

(1A-9) APPROVE THE REBIDDING OF THE NEW FRESNO INTERCITY RAIL STATION BY FRESNO COUNTY PUBLIC WORKS

Councilmember Quintero stated he had concerns and wanted assurances the old depot building would not be demolished and that staff would continue to move forward with rehabilitation plans, with City Design Engineer Kassabian responding. Councilmember Quintero questioned if the State Historical Building Code was used when the committee obtained estimates to rehabilitate the building and if it could still be used stating it was his understanding lower cost estimates could be obtained by utilizing that code, with Mr. Kassabian responding.

Extensive discussion ensued on the State Historic Building Code and why it was not used, on the current funding for the new station and deadline for utilizing those funds, Senator Costa’s pending bill for additional funding, prior direction to transfer ownership of the station to the Redevelopment Agency, and ability to sell the station if the City took ownership, with Mr. Kassabian and City Manager Reid responding to questions.

Acting President Mathys concurred the old depot must not be destroyed; noted \$20,000 was budgeted for restoration of the depot and recommended a dual process be undertaken of moving forward with restoration plans and the new building; requested staff look at the practicality of parking and restoring the depot to its natural state; and made a motion to approve staff’s recommendation to rebid the project, which was seconded and acted upon after additional discussion. Councilmember Quintero left the meeting at 2:21 p.m. for a prior commitment and returned later in the meeting.

Councilmember Perea stated he felt there was time to find the additional funds needed for restoring the building and questioned if the County's estimate of \$9.8 million was realistic, with Mr. Kassabian responding. Brief discussion ensued on the estimate being for the structure only and not the amenities, on a funding source for the needed amenities, and timeline for utilizing the current funding. Councilmember Perea requested a copy of the document specifying the December 2000 deadline date and emphasized he did not want to make a decision based on a deadline.

Councilmember Boyajian commented on saving buildings with architectural value and stated this building would not be torn down; stressed Council was running against a deadline; and questioned the analysis that was done on cutting costs on the new building to come within budget, and why the old building was not now being utilized, with Mr. Kassabian responding. **(6 - 0)** Councilmember Ronquillo commented on the new building and how he supported a design to match the surrounding warehouse row area, questioned the \$9.8 million estimate noting the building was structurally sound, and stated a 25,000 square foot building was not needed.

Architect Scott Vincent, Chair, Historic Preservation Commission, stated structural repairs would be \$1 million and the building would be safe and protected under the state's code, and added he greatly questioned the County's \$9.8 million estimate.

Mr. Reid stated he was fully supportive of restoration and staff would look at the numbers again, and requested Council to move forward with action being requested this date adding a dual track was needed.

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Steitz
Noes	:	Bredefeld, Ronquillo
Absent	:	Quintero

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, staff recommendation to rebid the new Fresno Intercity Rail Station by Fresno County based on the revised plans and specifications hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Steitz
Noes	:	Perea, Ronquillo
Absent	:	Quintero

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(1B-2) BILL NO. B-59 - TEXT AMENDMENT NO. T-99-02 - VARIETY PAK #2 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS, RELATED TO THE STANDARDIZATION OF TIME PERIODS FOR ALL LEGAL NOTICES, EXPIRATION TIME OF SPECIAL PERMITS, NOTICING SPECIAL PERMITS, WALL HEIGHTS, AND THE CLASSIFICATION OF THE R-P DISTRICT AS A RESIDENTIAL DISTRICT (REQUIRING A 10-DAY NOTICING PERIOD)

a. (ADD ON) ALTERNATE BILL NO. B-60 - TEXT AMENDMENT NO. T-99-02 - VARIETY PAK #2 (RETAINING THE 15-DAY NOTICING PERIOD)

A motion and second to introduce the ordinance was acted upon after brief discussion. Councilmember Bredefeld stated he would not support reducing the noticing period from 15 days to 10 days, with Councilmember Ronquillo concurring and making a motion to retain the 15-day requirement. City Attorney Montoy noted the bill was for introduction only this date and recommended an alternate bill also be introduced retaining the 15-day requirement, which was accepted by the motion-maker.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-59 and Alternate Bill No. B-60 introduced before the Council and laid over to August 31, 1999, at 10:05 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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(5L) REPORT BY PARKS, RECREATION AND COMMUNITY SERVICES REGARDING PLANTING OF PLANTS AND GROUND COVER ON PEACH AVENUE BETWEEN BUTLER AND HAMILTON, ESPECIALLY THE EAST SIDE OF PEACH AVENUE, AND REQUEST FOR TIMELINE ON COMPLETION DATE - COUNCILMEMBER QUINTERO.

President Steitz advised the issue was being removed from the agenda at the direction of Councilmember Quintero.

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(5H) PROPOSED APPOINTMENT OF REINA PINEDA TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER BOYAJIAN (FOR INTRODUCTION)

On motion of Councilmember Boyajian, seconded by Acting President Mathys, duly carried, RESOLVED, the appointment of Reina Pineda to the Human Relations Commission introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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(5I) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF ORDINANCE NO. 99-46 VETOED BY MAYOR PATTERSON ON JULY 29, 1999 (COUNCIL ACTION TO OVERRIDE MAYORAL VETO REQUIRES 5 AFFIRMATIVE VOTES)

1. BILL NO. B-49 - ORDINANCE NO. 99-46 - APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT PROJECT (\$54 MILLION CAP, WITHOUT MERGER, NORTHERN BOUNDARY TO SAGINAW AVENUE)

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the issue tabled to later in the meeting (3:45 p.m.) for a full Council, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
 Noes : None
 Absent : Quintero

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(5J) REQUEST TIME CERTAIN ON SEPTEMBER 21, 1999, FOR A COUNCIL WORKSHOP RELATIVE TO RECEIVERSHIPS ON SUBSTANDARD HOUSING - COUNCILMEMBERS BOYAJIAN AND RONQUILLO

President Steitz set the issue for September 21st at 10:30 a.m. Brief discussion ensued on the need for a workshop. City Manager Reid recommended issues related to the receivership program begin with the Infill Task Force and their work program rather than a workshop with a full Council and explained, with President Steitz stating that was why he supported standing committees who would deal more efficiently than Council with issues such as this. By Council consensus the workshop remained set for September 21st at 10:30 a.m.

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CLOSED SESSION - CITY COUNCIL:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. CITY OF FRESNO V. CHARLES CONTRERAS, JR.
2. EUGENE BERWANGER V. CITY OF FRESNO

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: WAGNER V. CITY OF FRESNO

(C) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: LEASE AGREEMENT WITH FRESNO COUNTY RELATING TO THE VAN NESS AVENUE AND INYO STREET SPIRAL PARKING GARAGE; NEGOTIATING PARTIES: JEFFREY REID AND ROBERT QUESADA, CITY NEGOTIATORS; JOHN WEISER, COUNTY NEGOTIATOR; UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS RELATIVE TO PRICE, TERMS OF PAYMENT, AND OTHER LEASE TERMS AND CONDITIONS

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(D) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: COUNTY OF FRESNO V. CITY OF FRESNO (REQUEST BY RDA DIRECTOR FITZPATRICK)

The Council met in regular closed session and joint closed session with the Redevelopment Agency in Room 2125 at the hour of 2:55 p.m. to consider the above issues and reconvened in regular open session at 3:30 p.m.

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(3:00 P.M.) REVIEW COST OF FEASIBILITY STUDY ON THE IMPROVEMENT OF CERTAIN CONVENTION CENTER FACILITIES - COUNCILMEMBER PEREA

Convention Center Manager Sweeney reviewed the staff report as submitted, noted there was no identified funding source for the study, and responded to questions of Councilmember Perea relative to options if staff were directed to fund the study, need to do something to remain competitive, and the need for objectivity from consulting firms.

Councilmember Perea requested Council consensus on the issue, stated he supporting giving staff direction to locate a funding source for a comprehensive study and to move forward as soon as possible to go out to bid for the improvements, and directed staff to look into all funding sources and report back in one week.

Councilmember Ronquillo requested he be informed and kept in the loop when any Councilmember schedules items before Council that are in his district, and stated his support for the direction. Mr. Sweeney responded to questions of Councilmember Boyajian on the possibility of seeking private enterprise. President Steitz stated he supported moving forward with the direction adding Council needed to stop subsidizing events such as hockey so resources would be available to make improvements such as these. Councilmember Perea directed the issue be placed under Councilmember Ronquillo's name next week.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of Item **B-1**, Wagner v. City of Fresno, the Council voted 4-0-3, with Councilmembers Ronquillo, Quintero and Mathys absent, to reject the claim for \$1 million for three claimants for an incident allegedly occurring on February 8, 1999.

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(5I) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF ORDINANCE NO. 99-46 VETOED BY MAYOR PATTERSON ON JULY 29, 1999 (COUNCIL ACTION TO OVERRIDE MAYORAL VETO REQUIRES 5 AFFIRMATIVE VOTES)

1. BILL NO. B-49 - ORDINANCE NO. 99-46 - APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT PROJECT (\$54 MILLION CAP, WITHOUT MERGER, NORTHERN BOUNDARY TO SAGINAW AVENUE)

Councilmember Quintero returned to the meeting at 3:43 p.m.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the issue brought back from the table for consideration, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

134-89

8/24/99

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Mayoral veto of Ordinance No. 99-46 approving and adopting the Central City Commercial Revitalization Redevelopment Plan overridden, and the ordinance hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo
Noes	:	Quintero, Steitz
Absent	:	None

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RECESS - 3:36 P.M. - 4:03 P.M.

(4:00 P.M.) REPORT FROM THE TASK FORCE ON COMPETITIVENESS

Public Utilities Director Rhinehart reviewed the staff report and specifics of the issue, noted the recommendations of the Task Force were not being requested to be endorsed this date but were being presented for Council's review and deliberation over the next couple of months, stated employees and the community would be actively involved in the process, emphasized there would be no lay-offs in a competitive process, and presented a Q & A sheet, and **(7 - 0)** letters from businesses in the community supporting the issue, copies of which are on file in the office of the City Clerk.

City Manager Reid briefly commented on the issue clarifying this was a report on the work of the Task Force and emphasized more ground work needed to be accomplished and the City workforce would be actively involved.

Speaking to the issue were: Richard Poulter, City employee, 1266 N. Helm, opposed to managed competition; Stebbins Dean, Executive Director, Chamber of Commerce, support, who also submitted a letter of support from the Chamber, a copy of which is on file in the office of the City Clerk; Alex Correa, representing the blue-collar workers, opposed; Gene Zimmerman, FCEA Business Agent, opposed; and Barbara Hunt, 944 "F" Street, opposed.

Upon call, no one else wished to be heard and President Steitz closed the public testimony.

City Attorney Montoy and Mr. Rhinehart responded to questions of Councilmembers Ronquillo and Perea relative to if this was a meet and confer issue, how Fresno's utility rates compared with other comparable cities, the theme of increasing efficiencies, and assuring that not one City employee would be laid off if Council moved forward with the issue. Councilmembers Ronquillo and Perea stated their opposition to the issue with Councilmember Ronquillo stating he supported giving the best price to the citizens of Fresno but not at the expense of City employees, **(8 - 0)** and Councilmember Perea stating he did not believe this was the answer and emphasized employees needed to be equal partners.

Mr. Rhinehart responded to questions of Councilmember Bredefeld relative to how managed competition was handled in the City of Indianapolis, if there were any layoffs, and which rates would increase without competitiveness and the amount. Councilmember Bredefeld read the recognized circumstances and eight recommendations of the Task Force which were included in the staff report, stated he understood the fear of the unknown, clarified no where did it say reducing the workforce was the goal, and emphasized the goal was to be more competitive adding the City needed to look at providing the best service and he hoped Council would proceed.

Acting President Mathys recognized and commended the employees for all their work and efforts; noted rank and file employees always seemed to be the ones targeted when reducing the workforce; and stated people could look at this issue any way they wanted but he saw it as privatization. Councilmember Ronquillo left the meeting at 5:23 p.m. and was absent for the remainder of the meeting. Acting President Mathys continued and briefly commented on the competitive bidding process and expressed his opposition to the issue stating he had a real concern to where this was headed.

President Steitz advised Councilmember Ronquillo left the meeting due to a prior commitment.

Mr. Rhinehart responded to questions of Councilmember Boyajian relative to the Utility enterprise funds and how the \$10 million a year deficit was being alleviated, the last time rates were increased, and management costs. Councilmember Boyajian stated his concern was that the workforce was not being involved in the process; emphasized employees were the real experts adding cheaper was not always better; stressed he did not want this to become a privatization issue; noted this process would take years to implement and he could see people losing their jobs; and concluded stating maybe increased rates was the solution.

Councilmember Quintero emphasized no one knew how to do the job better than City employees and no one asked them stating he would not support managed competition.

President Steitz stated he agreed City employees were doing a great job but that was not the issue; noted the employees had a great chance of getting the job adding the assumption that City workers could not compete in a competitive process was inaccurate; stated Council would not support any layoffs and he was on record opposed to layoffs; emphasized something needed to be done or rates would increase in 2-3 years; concurred communication was needed on all sides and concluded stating everyone should look forward to competitiveness.

There was no further discussion.

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UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY DAVID WELLS, P.O. BOX 1523, RELATIVE TO ELECTRIC VEHICLE COMPANIES WILLING TO LOCATE IN THE CITY OF FRESNO; AND EXPRESSING CONCERN WITH LACK OF RETURN CALLS FROM STAFF

Appearance made; no action taken.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:49 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

Ken Steitz, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk

134-91

8/24/99